S.B.Cr. Revision No. 911/2005
(Ashok Hajuri Vs. State of Rajasthan)

Date of order : 03/05/2006

HON'BLE MR.H.R.PANWAR, J.

Mr. Shambhoo Singh for the petitioner.

Mr. J.P.S.Choudhary, public prosecutor for the State.

This criminal revision petition under Section 397/401 Cr.P.C., is directed against the judgment and order dated 15.07.2005/01.10.2005 passed by Sessions Judge, Dungarpur (for short 'the appellate court' hereinafter) in Criminal Appeal N0. 49/2000, whereby the appellate court while maintaining the conviction of the petitioner for the offences under Sections 457 and 380 IPC, reduced the sentence of imprisonment for the aforesaid offences to 20 days imprisonment. By judgment and order dated 05.12.2000, Additional Chief Judicial Magistrate, Dungarpur (for short 'the trial court' hereinafter) in Regular Criminal Case No. 329/2000 convicted the petitioner for the offences under Sections 457 and 380 IPC and sentenced him to undergo six months rigorous imprisonment on each count and a fine of Rs.100/-, in default of payment of fine further to undergo one month imprisonment on each count. Both the sentences were ordered to run concurrently.

I have heard learned counsel for the petitioner and public prosecutor for the State. Carefully gone through the judgment and order of the appellate court as well as of the trial court.

There is concurrent finding of facts recorded by both the courts below convicting the petitioner. The conclusion recorded by the courts below is based on sound and proper appreciation of the evidence. Learned counsel for the petitioner could not point out any illegality in the judgment and orders impugned.

So far as the quantum of sentence is concerned, though the trial court awarded sentence of imprisonment for a period of six months each for the offences u/ss 457 and 380 IPC, but the appellate court reduced it to the period of 20 days on each count. The sentences were directed to run concurrently by the order of the trial court and affirmed by the appellate court. In the circumstances therefore, even on quantum of sentence, I do not find any error in the judgment and order impugned.

The revision petition has no merit and is dismissed accordingly.

(H.R.PANWAR),J.

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